

## REMARKS

In accordance with the foregoing, claims 8, 9 and 12 have been amended and new claim 15 has been added. Antecedent basis for the claim changes can be found in Figs. 1 and 2 and throughout the application. The antecedent basis can also be found in the English language translation of the international application, which was filed concurrently with the application. Claims 8-15 are pending and under consideration.

With regard to item 1 of the Office Action, claim 12 has been amended to address the informality.

With regard to items 2 and 3 of the Office Action, Claims 8-10 and 13 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,623,605 to Keshav et al. This reference does not disclose a hub connecting a plurality of communication terminals to a packet oriented communication network, as claimed. Keshav et al. only discloses IP devices (processing systems 100 and 330-see Fig. 4) that are connected directly to the IP network (internet 310) without a hub. These IP devices contain only an IP network interface 110, 445. Interfaces 110, 445 are not ATM network interfaces. The IP devices 100, 330 contain modules 425, 460 to encapsulate ATM frames into IP packets in order to provide communication to the ATM devices of an ATM network 300.

Claim 8 recites a hub for connecting a plurality of communication terminals and for inserting data in a format of substructural elements into data packets for transmission to a packet-oriented communication network. With such a hub, existing communication terminals can be used without any, or with little, modification. In contrast, Keshav et al. discloses no hub. Furthermore, Keshav et al. teaches that the encapsulator/deencapsulator 425, 460 is included in the IP devices 100, 330, and these IP devices provide an IP network interface, and not an ATM network interface. Moreover, Keshav et al. gives no suggestion that would motivate a person having ordinary skill in the art (without previous knowledge of the invention) to modify the system disclosed by Keshav et al. to include a hub with the features of claims 8 and 9.

Claim 8 specifies communication between a plurality of communication terminals on one side and a switching system on another side. In such a topology using a hub for connecting several communication terminals to a packet-oriented communication network, data in a format of substructural elements from different communication terminals may be combined and inserted into common data packets of the packet-oriented communication network. This can reduce the load on the packet-oriented communication network. On the other hand, the devices disclosed in Keshav et al. create separate IP packets for each device connected to the IP network.

It appears that the Examiner may be interpreting processing system 100 of Keshav et al. as the hub claimed in claims 8 and 9. However, this is incorrect. The processing system can operate as a gateway between an ATM network and an IP network (see Keshav et al. column 5, lines 7 and 8), but cannot operate as a hub for connecting communication terminals. The system 100 of Keshav et al. is connected to an ATM network 300. On the other hand, the claimed hub is connected to a plurality of communication terminal.

Claims 8 and 9 also recite that the switching system is connected to a packet-oriented communication network via an access unit. It is not clear how Keshav et al. could be interpreted to disclose an access unit or a switching system. Perhaps the Examiner is relying upon the encapsulator/deencapsulator 425 as both the hub and the access unit. However, according to the claims, the hub is connected to communication terminals and the access unit is connected to the switching system. Therefore, such an interpretation would require the ATM network 300 to represent communication terminals and the switching system. The claims recite that data is transmitted from the communication terminals to the switching system. It should be readily apparent that data is not transmitted from the ATM network 300 to the encapsulator/deencapsulator 425 and back to the ATM network 300.

The invention recited in claims 8 and 9 may allow communication between the communication terminals and the switching system over the packet-oriented communication network, even when the communication terminals and the switching system do not provide a direct interface to the packet-oriented communication network. That is, the invention may allow tunneling of data in a formatted in substructural elements, via the packet-oriented communication network. In contrast, Keshav et al. only teaches an indirect connection of IP devices having IP network interfaces to an ATM network 300 via processing system 100. Keshav et al. does not disclose the connection of communication terminals to a switching system via a hub and an access unit, which connection may provide for tunneling data formatted in substructural elements through a packet-oriented communication network. Keshav et al. gives no incentive of to provide the features of claims 8 and 9, which could allow tunneling of data formatted as substructural elements. In view of the foregoing, it is submitted that claims 8 and 9 are new and non-obvious in view of Keshav et al.

New claim 15 corresponds with amended claim 8, with additional language that is shown underlined below.

15. (new) A method for transmitting data from communication terminals to a switching system via a packet-oriented communication network, comprising the steps of:  
    setting up a data format formed of substructural elements for a data transmission

between a switching system and communication terminals, said communication terminals being connected to a packet oriented communication network via a hub, said switching system being connected to said packet-oriented communication network via an access unit separate from the hub,

transmitting said data in a form of substructural elements to said hub by a communication terminal,

inserting said substructural elements into data packets by said hub, such that substructural elements from different communication terminals are inserted into common data packets,

transmitting said data packets to the access unit via the packet-oriented communication network,

extracting said substructural elements from said data packets via said access unit, and

forwarding said substructural elements to said switching system.

Claim 8 recites that the hub combines substructural elements from different communication terminals into common data packets. Antecedent basis for this language can be found on page 6, lines 19-22 of the application, for example. Antecedent basis for "separate from the hub" can be found in Fig. 1 and the specification, for example. It should be apparent that claim 15 patentably distinguishes over Keshav et al. for the reasons discussed above and additional reasons.

With regard to items 5-7 of the Office Action, claims 11, 12 and 14 are separately rejected under 35 USC § 103(a) as being obvious over Keshav et al. in view of additional references. However, these additional references do not cure the defects discussed above with regard to Keshav et al. Therefore, it is submitted that claims 11, 12, 14 and the other dependent claims patentably distinguish over the references cited by the Examiner.

In view of the foregoing, it is submitted that the prior art rejection should be withdrawn. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

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If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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